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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,028	06/13/2000	MARK D. CHAPMAN	CM03526H	5744

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MOTOROLA, INC.  
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EXAMINER

CORSARO, NICK

ART UNIT PAPER NUMBER

2684

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/593,028

Applicant(s)

CHAPMAN ET AL.

Examiner

Nick Corsaro

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-25 is/are rejected.
- 7) ☒ Claim(s) 12,13,26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 08/08/202 has not been considered. The case contents includes a reference to the information disclosure statement, however, there is no 1449 in the case. For consideration please send in a duplicate with the response to this office action.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 15-17, and 19-25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. (6,463,307) in view of Haartssen et al. (5,870,673).

Consider claim 1, Larsson discloses a communication system providing voice services and data services (see col. 1 lines 5-12, col. 1 lines 64-67, col. 2 lines 41-67, and col. 4 lines 43-48, where Larsson is discussing mobiles and bases in the context of cellular and 802.11, systems, all currently capable of voice and data communications). Larsson discloses providing a scan mode (see col. 4 lines 48-60, col. 1 lines 65-67, and col. 2 lines 1-24, where Larsson discusses a sleep mode where the mobile awakes periodically and scans for a page message, thus a scan mode). Larsson discloses a method for allowing data reception (see col. 4 lines 64-67, col. 5 lines 1-4, where Larsson is discussing sending data packets). Larsson discloses determining if a mobile station is in scan mode (see col. 5 lines 3-11, col. 4 lines 48-60, col. 1 lines 65-67, and

Art Unit: 2684

col. 2 lines 1-24, where Larsson discusses a hibernation mode, where the mobile scans for pages). Larsson discloses when the mobile station is in scan mode, sending a data message using a preamble (see col. 4 lines 53-61, and col. 2 lines 6-41, where Larsson discusses a super-frame with page messages, the page messages being preambles). Larsson discloses when the mobile station is not in scan mode, sending the data message without using the preamble (see col. 7 lines 37-55, and col. 4 lines 43-67, where Larsson discusses when the mobile is in scan mode, i.e., hibernation mode, the base buffers the data, then sends the page or preamble, and when the mobile is awake sends the data, not a preamble).

Larsson discloses allowing data communication (see col. 4 lines 64-67, col. 5 lines 1-4, where Larsson is discussing sending data packets), however does not teach facilitating data communication. Haartsen teaches facilitating data communication (see col. 8 lines 1-18, where Haartsen is discussing allowing the user to receive from two system thus facilitating, i.e., making easier).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Larsson, and facilitate data communication, as taught by Haartsen, thus allowing making the reception of data easier while in communication with two systems, as discussed by Haartsen (col. 3 lines 40-56).

Consider claim 15, Larsson discloses a communication system providing voice services and data services and further providing a scan mode (see col. 1 lines 5-12, col. 1 lines 64-67, col. 2 lines 41-67, and col. 4 lines 43-48, see col. 4 lines 48-60, col. 1 lines 65-67, and col. 2 lines 1-24, where Larsson is discussing mobiles and bases in the context of cellular and 802.11, systems, all currently capable of voice and data communications). Larsson discloses a method for

Art Unit: 2684

receiving data messages (see col. 4 lines 64-67, col. 5 lines 1-4, where Larsson is discussing sending data packet). Larsson discloses sending to a data controller an in scan mode message (see col. 5 lines 3-11, col. 8 lines 19-65, where Larsson discusses the base station and the mobile negotiating or telling of a hibernation mode where the mobile periodically scans for paging messages). Larsson discloses scanning a channel (see col. 4 lines 43-60, and col. 2 lines 6-33). Larsson discloses detecting a data message on a scanned channel (see col. 4 lines 45-67, col. 5 lines 1-37, col. 7 lines 35-67, and col. 2 lines 6-33 where the base sends a paging message with all the mobiles paging message, where a page is a data message). Larsson discloses determining a data message type processing the data message (see col. 4 lines 42-67, col. 5 lines 1-37, and col. 7 lines 37-59, where Larsson discusses the page message may be an instruction to stay awake and receive more data, or some other instruction). Larsson discloses waiting a predetermined period of time and resuming scanning of the plurality of channels (see col. 4 lines 44-67, col. 5 lines 1-50, and col. 7 lines 27-59).

Larsson discloses scanning a channel (see col. 4 lines 43-60, and col. 2 lines 6-33), however does not specifically disclose scanning a plurality of channels. Haartsen teaches scanning a plurality of channels (see col. 9 lines 5-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Larsson, and scan a plurality of channels, as taught by Haartsen, thus allowing the mobile to receive calls from another network involved with a current network, as discussed by Haartsen (col. 3 lines 40-56).

Consider claim 20, Larsson discloses a communication system providing voice services and data services to a mobile station operating within the communication system from a base

Art Unit: 2684

station (see col. 1 lines 5-12, col. 1 lines 64-67, col. 2 lines 41-67, and col. 4 lines 43-48, where Larsson is discussing mobiles and bases in the context of cellular and 802.11, systems, all currently capable of voice and data communications). Larsson discloses apparatus for providing a scan mode (see col. 4 lines 48-60, col. 1 lines 65-67, and col. 2 lines 1-24, where Larsson discusses a sleep mode where the mobile awakes periodically and scans for a page message, thus a scan mode). Larsson discloses a data controller coupled to send a preamble and a data message to the mobile and to receive an in-scan mode message and an acknowledgment message from the mobile via the base station (see col. 4 lines 44-67, col. 8 lines 18-54, and col. 7 lines 37-60, where Larsson discusses a page message or preamble, data messages, and a negotiation for the sleep or scan mode). Larsson discloses the data controller inherently including a scan mode database and being operable to generate the preamble (see col. 7 lines 37-60, and col. 4 lines 45-67, where Larsson is discussing a base station buffering data for plurality of mobiles, and sending a preamble or page, for a mobile when there is data for that mobile, therefore at least a data base to hold mobile ID's). Larsson discloses the mobile station in scan mode as determined by the data controller with reference to an entry in the scan mode database, the data controller sends the preamble message to the mobile station (see col. 4 lines 43-67, and col. 7 lines 38-60). Larsson discloses receives from the mobile station the acknowledgment and sends the data message to the mobile (see col. 4 lines 44-67, and col. 7 lines 35-60).

Larsson discloses data communications from the base station (see col. 7 lines 38-60), however does not disclose the data comes via the base station. Haartsen teaches the data comes via the base station (see col. 7 lines 30-55, where Haartsen discusses the mobile network connected to an ISDN and PSTN network).

Art Unit: 2684

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Larsson, and have the data come via the base station, as taught by Haartsen, thus allowing information to be received from the wide area network, as discussed by Haartsen (col. 3 lines 21-56)..

Consider claim 2, Larsson discloses the step of determining if a mobile station is in scan mode comprises receiving a message from the mobile station indicating that the mobile station is in scan mode (see col. 5 lines 3-10, col. 8 lines 35-65).

Consider claim 3, Larsson discloses sending the preamble; and receiving an acknowledgement to the preamble (see col. 4 lines 42-67).

Consider claim 4, Larsson discloses the step of receiving an acknowledgement to the preamble, the step of sending a data message to the mobile station (see col. 4 lines 45-67).

Consider claims 5, 19, Larsson discloses sending a first data message; and sending a second data message without a preamble within a predetermined time period of sending the first data message (see col. 4 lines 43-67, col. 7 lines 37-60, where Larsson is discussing sending page then sending buffered packet data).

Consider claim 6, Larsson discloses the predetermined time period inherently corresponds to a reply time (see col. 7 lines 37-60, where Larsson discusses sending a page then when a response is received sending packets, therefore time exists between page and response).

Consider claims 7-11, 16, 21, 22, Larsson discloses the preamble comprises a preamble list (see col. 2 lines 5-40).

Consider claim 17, Larsson discloses upon detecting the mobile

station identification, the step of sending an acknowledgement to the data controller (see col. 4 lines 45-67).

Consider claim 23, Larsson discloses sending a first data, waiting for an acknowledgement than sending a second data, where the data packet data that will keep being sent until the buffer is empty (see col. 4 lines 43-67, and col. 7 lines 35-60). Larsson however does not specifically disclose a timer operable to provide a time-out indication relative to the acknowledgment, and wherein, prior to the time-out indication, the data controller is further operable to send a second data message to the mobile station. Official notice is taken that providing timers in data delivery systems to gauge the amount and time data should be sent are well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Larsson, and provide a timer operable to provide a time-out indication relative to the acknowledgment, and wherein, prior to the time-out indication, the data controller is further operable to send a second data message to the mobile station, thus allowing prescribed amounts of data to be sent within a time shared system.

Consider claims 24 and 25, Larsson discloses the data controller is further coupled to send a second data message to a second mobile station from the base station the second data message inherently comprises a shortened preamble (see col. 2 lines 5-40, and col. 4 lines 43-67, where Larsson is discussing a system that is sending pages to a plurality of mobiles, therefore, a second data packet, where packets have a short preamble). Larsson discloses data communications from the base station (see col. 7 lines 38-60), however does not disclose the data comes via the base station. Haartsen teaches the data comes via the base station (see col. 7



Art Unit: 2684

lines 30-55, where Haartsen discusses the mobile network connected to an ISDN and PSTN network). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Larsson, and have the data come via the base station, as taught by Haartsen, thus allowing information to be received from the wide area network, as discussed by Haartsen (col. 3 lines 21-56).

3. Claims 14, 18, is rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson in view of Haartsen as applied to claims 1, 17, above, and further in view of Hong et al.

(6,292,508).

Consider claims 14, and 18, Larsson and Haartsen discloses determining the mobile station to be in a scan mode; receiving an acknowledgement to the preamble; and pausing before sending the data message. Larsson and Haartsen do not specifically disclose a priority scan. Hong teaches a priority scan (see col. 15 lines 8-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Larsson and Haartsen, and have a priority scan, as taught by Hong, thus allowing scanning of particular frequencies first.

***Allowable Subject Matter***

4. Claims 12, 13, 26, and 27, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(6,594,778), Mulford discloses mode changes.

6. Any inquiry concerning this communication should be directed to Nick Corsaro at telephone number (703) 306-5616.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth, Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 customer Service Office whose telephone number is (703) 306-0377.

Nick Corsaro

Primary Examiner

  
**NICK CORSARO**  
**PATENT EXAMINER**